

DELEGATE GALLAGHER: I would.

THE CHAIRMAN: For what purpose does Delegate Carson rise?

DELEGATE CARSON: Point of personal privilege, Mr. Chairman.

THE CHAIRMAN: State the privilege.

DELEGATE CARSON: I would like the Convention to recognize and have the Convention meet my family. My dad and my mother, my aunt, Miss Elizabeth Smith, Mr. and Mrs. O. L. Carson, and my sister and her husband who is on his way to Vietnam.

(Applause.)

THE CHAIRMAN: We will pass over further consideration of section 8 on page 3; I am sorry, section 7 on page 3, and proceed to a consideration of section 8 on page 4. Will the pages please distribute Amendment A, "A" for "Able".

This will be Amendment No. 6. The Clerk will read the amendment.

READING CLERK: Amendment No. 6 to Committee Recommendation GP-13 by Delegates Boyer, Baumann, Hickman, Hostetter, Johnson, Kahl, Linton, Malkus, Mosner, Ritter, K. L. Robie, Rollins, Rosenstock, Rush, Rybczynski, M. H. Smith, Vecera, Webb and Weidemeyer: On page 4, section 8, Redistricting, in line 5 strike out the numerals "1970" and insert in lieu thereof the numerals "1974".

THE CHAIRMAN: The amendment is submitted by Delegate Boyer and seconded by co-sponsors. The Chair recognizes Delegate Boyer.

DELEGATE BOYER: Mr. Chairman and ladies and gentlemen of the Committee of the Whole for the past three and three-fourths months, this Convention has diligently applied itself, I think efficiently and adequately, to the mammoth task, and though I am sure that the constitution that we have adopted and hammered out so far probably does not appease or please everyone, yet I think on the whole we have hammered out an acceptable document. During this time some of us have felt more keenly about certain items than others.

Civil rights, labor, local government and other problems have marched across this stage and into the wings.

Though I have been interested in all that we have had, I personally feel more keenly about this particular problem.

Amendment A before you is not a hard problem to understand. It changes the effective date from November 1970 to November 1974 for the reapportioned General Assembly. Let me tell you why I think this should be adopted. The Supreme Court in *Lucas v. Rhodes* decided on December 4, 1967, in an Ohio case, that, and I read from the *Washington Post* of December 6, in that Ohio case there was a redistricting problem in the conventional districts. The State of Ohio had accepted some unofficial figures for population distribution, and these unofficial figures were from chambers of commerce and other semi-quais, judicial, legislative, or executive departments, but the composite result before the Supreme Court for decision was whether or not these figures were official or unofficial.

In the *Washington Post*, it says that unofficial population statistics are, of course, unreliable guides in determining the representation of any area. And it further says, "Since there is no acceptable way of measuring the shifts until the 1970 census, all redistricting efforts in the next two years will leave much to be desired."

We would propose by this amendment that rather than to act in haste and repent in leisure, we should wait until the official 1970 census figures are available. It appears to me that you can only have two sets of figures, either official which would be the census, or unofficial, and I do not see any other way that you can derive or arrive at any other situation.

The *Washington Post*, and I quote again from this *Lucas v. Rhodes*, says that state officials had defended the legislature's decision by saying that it had taken into account population shifts after 1960, but the unofficial statistics relied upon by the lower court led to the conclusion that the disparities would not be greater than those which would result from a 1967 distribution based wholly on the 1960 census. It was this conclusion that the Supreme Court overturned. I read from *The New York Times* a letter from the Attorney General of the State of New York. Our sister state up there is having exactly the same throes of growing pains that we are. The State of New York had exactly the same problem before it, whether or not to use official census figures or unofficial figures based on something other than the census figures.

And the Attorney General for the State of New York said, "The appeal which was joined in by the principal officers of both houses of the State Legislature was not directed at circumventing the application